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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/627,194	07/27/2000	Kiyoshi Ozaki	1324:64545	1269

7590 12/04/2003

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EXAMINER

NGUYEN, HOAN C

ART UNIT PAPER NUMBER

2871

DATE MAILED: 12/04/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 09/627,194	Applicant(s) SAKAI ET AL.	
	Examiner HOAN C. NGUYEN	Art Unit 2871	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 1 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 3,6-7 and 13-15 is/are pending in the application.
- 4a) Of the above claim(s) 1-15 is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☐ Claim(s) ____ is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on ____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) ____. | 6) <input type="checkbox"/> Other: _____ |

NOTICE OF NON-RESPONSIVE AMENDMENT

Response to Amendment

The reply filed on September 15, 2003 is not fully responsive to the prior Office Action because of the following matter (See 37 CFR 1.111):

The amendment filed on June 2, 2003 amends claims 3, 6 and submits new claims 13-15, and presenting ALL claims drawn to an invention having different scopes than the scope of the invention originally presented. See **Election/Restrictions** in Office Action sent on August 13, 2003.

Since applicant has received an action on the merits for the originally presented invention, this invention has been constructively elected by original presentation for prosecution on the merits. Accordingly, amended claims 3, 6-7 and new claims 13-15 are withdrawn from consideration as being directed to a non-elected invention. See 37 CFR 1.142(b) and MPEP § 821.03.

Therefore, there are no claims left for examining in this application.

A request for continuing examination would be proper in order for the subject matters recited in the amended claims 3, 6 and newly added claims 13-15 be examined.

Election/Restrictions

This application contains claims directed to the following patentably distinct species of the claimed invention:

A. Claims 6 and 14 drawn to a step of forming a bypass for a broken gate line by forming an alternative conductive path through a pixel electrode and a source electrode.

B. Claim 13 drawn to a step of forming a bypass for a broken gate line by connecting gate line to a pixel electrode and storage capacitor line.

C. Claim 15 drawn to a step of forming a bypass for a broken gate line by connecting a gate line to a pixel electrode and drain bus line.

Applicant is required under 35 U.S.C. 121 to elect a single disclosed species for prosecution on the merits to which the claims shall be restricted if no generic claim is finally held to be allowable. Currently, the amended claim 3 considers being generic of the amended claim 6 and the new claim 13 and 14.

Upon the allowance of a generic claim, applicant will be entitled to consideration of claims to additional species which are written in dependent form or otherwise include all the limitations of an allowed generic claim as provided by 37 CFR 1.141. If claims are added after the election, applicant must indicate which are readable upon the elected species. MPEP § 809.02(a)

Amended claims 3, 6 and new claims 13-15 are directed to an invention that is independent or distinct from the invention originally claimed for the following reasons: Amended claims 3, 6 and new claims 13-15 now include a limitation "forming a bypass

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for a broken gate line making an electrical path through **two of** a drain electrode or a source electrode of TFT or a pixel electrode or storage capacitor line" [(a) a drain electrode and a source electrode, or (b) a source electrode and pixel electrode or a gate line to a pixel electrode and drain bus line (or drain electrode) or a drain electrode and a source electrode" etc. etc.,] which was not originally presented. As originally presented, the Examiner has considered and examined only the originally presented claims, which have "forming a bypass for a broken gate line by separating the gate line from or connecting the gate line from or to **one of** a drain electrode or a source electrode of TFT or a pixel electrode or storage capacitor line" (claim 3) and "forming an alternative conductive path through a pixel electrode" (claim 6).

Since applicant has received an action on the merits for the originally presented invention, this invention has been constructively elected by original presentation for prosecution on the merits. Accordingly, amended claims 3, 6 and new claims 13-15 are withdrawn from consideration as being directed to a non-elected invention. See 37 CFR 1.142(b) and MPEP § 821.03.

Applicant is reminded that upon the cancellation of claims to a non-elected invention, the inventorship must be amended in compliance with 37 CFR 1.48(b) if one or more of the currently named inventors is no longer an inventor of at least one claim remaining in the application. Any amendment of inventorship must be accompanied by a diligently-filed petition under 37 CFR 1.48(b) and by the fee required under 37 CFR 1.17(h).

Furthermore, in previous Response to Election of Species Requirement on 1/21/2003, applicant's election without traverse of Species A (claims 1, 2, 3, 6 and 7) in Paper No. 16 is acknowledged. Applicant cancelled claims 1, 2, 4, 5 and 9-11 in Paper No. 17 (2/17/2003).

Since claim 7 depends on claim 6, therefore, it also is withdrawn from consideration as being directed to a non-elected invention of claim 6.

Response to Arguments

Applicant's arguments filed on September 15, 2003 have been fully considered but they are not persuasive.

Applicant's ONLY arguments are follows:

There is only a single embodiment being defined by claims 3, 6, 7 and 13-15 is shown in Fig. 8.

Examiner's responses to Applicants' ONLY arguments are follows:

When applicant elected Species A, applicant has elected ONLY the claims for examining, which must describe or support in Figure 8.

Figures or Drawings cannot be elected for examination purpose, Figures or Drawings ONLY support for the examining claims. [The subject matter of the application admits of illustration by a drawing to facilitate understanding of the invention. Applicant is required to furnish a drawing under 37 CFR 1.81.]

Moreover, in a single Figure 8, applicant can submit several different and independent inventions as following:

I. “forming a bypass for a broken gate line making an electrical path through **one of** a drain electrode or a source electrode of TFT or a pixel electrode or storage capacitor line” **This is the originally presented claims.**

II. “forming a bypass for a broken gate line making an electrical path through **two of** a drain electrode or a source electrode of TFT or a pixel electrode or storage capacitor line” **This is present amendment after invention I was rejected.**

III. “forming a bypass for a broken gate line making an electrical path through **three of** a drain electrode or a source electrode of TFT or a pixel electrode or storage capacitor line” **This is possible future amendment if invention II was rejected**

IV. “forming a bypass for a broken gate line making an electrical path through **four of** a drain electrode or a source electrode of TFT or a pixel electrode or storage capacitor line” **This is possible future amendment if invention III was rejected**

Examiner believes these four possible inventions extracting from a single Fig. 8 are different and independent, and the searches for these four possible inventions are not obviously related. Therefore, applicant cannot elect the Drawing for examining purposes. Drawings ONLY facilitate understanding of the invention.

Conclusion


Since the above-mentioned reply appears to be *bona fide*, applicant is given **ONE (1) MONTH or THIRTY (30) DAYS** from the mailing date of this notice, whichever is longer, within which to supply the omission or correction in order to avoid abandonment. EXTENSIONS OF THIS TIME PERIOD MAY BE GRANTED UNDER 37 CFR 1.136(a).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to HOAN C. NGUYEN whose telephone number is (703) 306-0472. The examiner can normally be reached on MONDAY-THURSDAY:8:00AM-4:30PM.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-0530.

HOAN C. NGUYEN
Examiner
Art Unit 2871

chn
October 13, 2003


T. Chowdhury
Primary Examiner